IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.30326 of 2008
SHAKUNTALA DEVI
Versus
STATE OF BIHAR

WITH
Cr.Misc. No.39543 of 2008
DHARAMVIR KUMAR
Versus
STATE OF BIHAR
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2. 25.9.2008 Heard.

The allegation is that petitioner Shakuntala Devi, who was in regular contact with the family members of the informant, specially with the daughter of the informant, had influenced her to go away from her house and subsequently she was taken away by petitioner Dharamvir Kumar. There appears a conflict between the two medical opinions, one of which was rendered by the Board of doctors consisting of Dr. A. K. Singh, Dr. Ramodhav Verma, Dr. Budh Prakash and Dr. Madhu Sinha and the second Board was consisting of different set of doctors like Dr. Arun Kumar Sinha, Dr. C.S. Srivastava, Dr. R. K. Shukla and Dr. Bibha Rani. The earlier Board held that the lady was aged about 18 to 19 years whereas the second Board of doctors was having the opinion that she could be somewhere in between 15 to 16 years.

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In the above light, the statement of the lady has to be considered when she stated that she herself got out of her father's house to go to the petitioner Dharamvir Kumar's house so as to live there and to marry him in the same night out of her own sweet-will. The lady stated that her parents want to leave them whereas she wants to live as wife of the petitioner. It is not that the

earlier report was of a solitary doctor, there was a number of doctors and their qualifications appear similar and same. In that view, the Court has to lean towards a view in favour of the accused and that appears the reasonable view to be taken inasmuch as the lady has also made a statement which is contrary to the F.I.R.

Let two petitioners named above each of the two petitions be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M., Hilsa, Nalanda, in connection with Chandi P.S. case no.75 of 2008.

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(Dharnidhar Jha,J)

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